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REMARKS

Claims 1-29 are pending in the present application. In the Office Action mailed June 14, 2005, the Examiner rejected claims 1, 5, 6, 9, 10, 18, and 19 under 35 U.S.C. §102(b) as being anticipated by the Japanese document no. JP60-64769A. The Examiner next rejected claims 8, 23-26, and 28 under 35 U.S.C. §103(a) as being unpatentable over the Japanese document no. JP60-64769A. Claims 2, 21, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with Fronius (USP 4,521,672). Claims 20 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with Wilson (USP 3,458,681). Claims 3, 4, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with the German document no. G8308999.3U1. Claim 22 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with Brugerolle et al. (5,472,024). Claims 11-14, 16, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with the German document no. G8308999.3U1. Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with the German document no. G8308999.3U1 and Wilson, and further in view of Fronius.

The Examiner rejected claims 1 and 18 under 35 U.S.C. §102(b) as being anticipated by JP60-64769A. Applicant has amended claim 1 to further define that which is called for therein. Claim 1 calls for, in part, an enclosure having a carrying handle and a power source having an inverter and constructed to condition and output an electrical signal suitable to welding located in the enclosure. As stated in the Specification, "the power source is preferably a light-weight inverter-type power source, and energy storage device, such as a battery, or a combination of the two." Specification, ¶[0033]. There is no disclosure in JP60-64769A for a welding-type apparatus as called for in claim 1. Furthermore, the art of record does not teach or suggest a portable welding-type apparatus as called for in claim 1. As such, Applicant believes claim 1, and the claims that depend therefrom, are patentably distinct thereover.

Applicant has amended claim 18 to further define that which is called for therein. Claim 18 calls for, in part, a method of constructing a welding-type apparatus including positioning an inverter based power source with respect to a base, forming a housing having a handle to enclose the power source, and providing a non-movable adapter constructed to operatively engage the gas cylinder so that connection of the gas cylinder with the non-movable adapter fluidly connects the gas cylinder to the welding-type apparatus. Such a construction eliminates a hand-operated valve

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and allows immediate gas flow upon connection of the gas cylinder. A welding-type apparatus constructed in accordance with claim 18 is not shown, disclosed, taught, or suggested in the art of record. Accordingly, Applicant believes claim 18, and the claims that depend therefrom, are patentably distinct thereover.

The Examiner rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over JP60-64769A stating that "[t]he Japanese document no. JP60-64769A discloses the subject matter claimed except for the explicit mention of the opening and door to provide passage of a gas cylinder" and that "[i]n the last paragraph of page 6 of the English translation, the Japanese document makes clear that the gas cylinders 'can be installed within the electric poser [sic] source with ease by a single operator'." The Examiner further states that "[i]t is considered obvious that this installation is through the top lid or door cover element 3, since this is the only direct access to the gas cylinder storage area" and that "[t]he opening associated with lid or door 3 would be rectangular, which would conform to the generally rectangular shape of the gas cylinder when the cylinder is viewed from a direction perpendicular to its main longitudinal axis."

Applicant has amended claim 24 to further define that which is called for therein. Claim 24 calls for, in part, a housing having an opening to allow passage of a gas cylinder therethrough wherein the opening has a shape and a size dimension substantially conforming to a shape and a size dimension of a gas cylinder. It is clear that any opening of the welding device of JP60-64769A would not have such a construction. That is, as shown in Fig. 4 of JP60-64769A, an opening constructed to allow changing of the cylinders attached to chamber unit 13 would necessarily be much larger than a shape and a size of any of the gas cylinders. That is, the system of JP60-64769A includes several gas cylinders. The rectangular opening of door or cover element 3 does not have a shape and a size dimension which substantially conforms to a shape and a size dimension of a gas cylinder as called for in claim 24. The shape and size dimension of the opening formed by cover element 3, as shown in Figs. 3 and 4, has shape and size dimensions which substantially conform to a shape and a size dimension of the power source, not the gas cylinders positioned therein. As such, that which is called for in claim 24 is not taught or suggest by JP60-64769A. Accordingly, Applicant believes claim 24, and those claims that depend therefrom are patentably distinct over the art of record.

The Examiner next rejected claim 11 under 35 U.S.C. §103(a) as unpatentable over JP60-64769A in view of German document no. G8308999.3U1 and further in view of Wilson. Applicant has amended claim 11 to further define that which is called for therein. Claim 11 calls for, in part, a welder having a gas cylinder disposed within a power source and connected to a

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first gas path constructed to supply gas to a welding gun. Claim 11 also calls for another gas path extending from the power source and connectable to another gas container located remotely from the power source.

As shown in Figs. 5 and 6 of JP60-64769A, the welding device disclosed therein includes several cylinders wherein each of the cylinders is internal to the welding device. That is, rather than connecting an external gas container to the welding device, JP60-64769A discloses enclosing several gas cylinders within the welding device. Similarly, G8308999.3U1 discloses connecting a single gas cylinder to the welding apparatus thereof. As shown in the Figure of G8308999.3U1, the gas cylinder is internal to the welding device. Wilson discloses a welding device having a pair of gas sources, both of which are remote from the power source. As shown in Fig. 8 of Wilson, a gas cartridge 34 internal, to the torch, provides a first gas source and the torch includes "a valve 35 ... with a threaded surface for connection to a flexible gas line from a large gas pressure vessel such as a cylinder of helium" provides an alternate gas source. Col. 5, lns. 20-25. Wilson does not disclose a power source in electrical communication with a welding gun and having first and second gas paths as called for in claim 11. The art of record fails to teach, suggest, or disclose a welder having a gas cylinder connected to a first gas path and disposed within a power source and a second gas path extending from the power source and connectable to a gas container located remotely from the power source as called for in claim 11. Accordingly, Applicant believes claim 11, and those claims that depend therefrom, are patentably distinct over the art of record.

Claims 30-32 are newly presented herein and are also believed to be patentably distinct over the art of record. Claims 30 and 31 depend from claim 24 and further define the opening shape and size dimension as substantially conforming to a longitudinal shape and size dimension of the gas cylinder and an axial shape and size dimension of the gas cylinder, respectively. New claim 32 depends from claim 18 and further defines the method thereof as forming a gas path through the non-movable adapter and vented to atmosphere when the gas cylinder is removed therefrom. A Credit Card Authorization in the amount of \$150.00 is included herewith for entry and consideration of these claims newly presented herein.

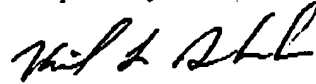
In light of at least the foregoing, Applicant respectfully believes that the present claims are patentably distinct over the art of record and that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-32.

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Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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